

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ALLEN HESS,

Plaintiff

v.

SECURITY GUARDS, INC.,

Defendant

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CIVIL ACTION NO. 02-CV-3691

**DEFENDANT SECURITY GUARD, INC'S  
MOTION TO COMPEL DISCOVERY RESPONSES**

Defendant Security Guard, Inc. ("SGI"), by and through its attorneys, Stevens & Lee, hereby moves the Court for an Order compelling plaintiff Allen Hess to respond to the outstanding discovery SGI has propounded on him. In support of its motion, SGI avers the following:

1. Plaintiff filed this action against SGI claiming age and disability discrimination in violation of the Age Discrimination in Employment Act, 29 U.S.C. §621-634 and the Americans with Disabilities Act, 42 U.S.C. §§ 12111-12117.
2. On September 11, 2002, SGI served plaintiff with its First Set of Interrogatories and First Requests for Production of Documents ("SGI's Discovery Requests").
3. Pursuant to Federal Rules of Civil Procedure 33 and 34, plaintiff's responses to SGI's Discovery Requests were due on or before October 11, 2002.
4. When no responses were forthcoming, on October 15, 2002, counsel for SGI contacted plaintiff's counsel about the responses and was told that responsive documents would be provided the following day, with verified response to follow a few days thereafter. This communication was confirmed in a letter from SGI's counsel to plaintiff's counsel.
5. No documents or responses were produced.

6. On October 18, 2002, counsel for SGI sent another letter indicating that if responses were not received by the end of the day, this motion would be filed.
7. SGI still has not received responses or responsive documents.
8. Pursuant to Local Rule 26.1(g), SGI is not required to file a brief in support of this motion.
9. Pursuant to Local Rule 26.1(g), the Court may summarily grant this motion without waiting for a response.

WHEREFORE, for the foregoing reasons, defendant Security Guards, Inc. requests that its motion to compel be granted and plaintiff be required to produce verified responses to SGI's Discovery Requests and responsive documents within five days of the date of the Order.

STEVENS & LEE

By: \_\_\_\_\_  
G. Thompson Bell, III  
Attorney I.D. No. 32649  
Stacey A. Scrivani  
Attorney I.D. No. 84275  
111 North Sixth Street  
P.O. Box 679  
Reading, PA 19603-0679  
(610) 478-2086

**CERTIFICATION OF GOOD FAITH CONFERENCE**

In accordance with F.R.C.P. 37 (a)(2)(B), I certify that I have in good faith attempted to confer with counsel for Allen Hess in an effort to secure the information SGI has requested in this motion to compel without court intervention.

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Stacey A. Scrivani

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**ORDER**

AND NOW, this \_\_ day of \_\_\_\_\_, 2002, upon consideration of Defendant Security Guard, Inc.'s motion to compel, it is hereby ORDERED that the Motion is GRANTED and plaintiff is required to respond to defendant's discovery requests within five days of the date of this Order. Plaintiff's failure to comply with this Order will result in sanctions.

BY THE COURT

\_\_\_\_\_  
J.

**CERTIFICATE OF SERVICE**

I, STACEY A. SCRIVANI, ESQUIRE, certify that on this date, I served a true and correct copy of the foregoing motion to compel on the following counsel of record by regular mail:

Kathleen D. Dautrich  
526 Court Street  
Reading, Pennsylvania 19601

Date: October \_\_, 2002

\_\_\_\_\_  
Stacey A. Scrivani